

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:18-cr-00091-MR-WCM-1**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
OSCAR ORLANDO)	
NAVARRO-MELENDZ,)	
)	
Defendant.)	
_____)	

THIS MATTER is before the Court on the Defendant’s “Motion to Reconsider a Denial of Reduction of Sentence” [Doc. 65].

On April 8, 2024, the Defendant moved pursuant to 18 U.S.C. § 3582(c)(2) and Part B of Amendment 821 for a reduction of his sentence. [Doc. 62]. This Court denied said motion on the grounds that Part B of Amendment 821 did not apply to the Defendant because his conviction involved the possession of at least two firearms, and therefore he fell under the exclusionary criteria for relief. [Doc. 64].

The Defendant now moves for this Court to reconsider the denial of his motion for a sentence reduction, arguing that the exclusionary criteria did not

apply to him because his accountability was limited to his own conduct and not that of his co-conspirator. [Doc. 65].

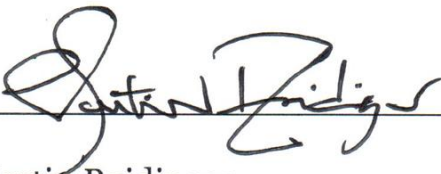
As the Court made clear in its prior Order, and as established in the Defendant's Presentence Report, the possession of a firearm involved in his offense was not limited to his co-conspirator, as the Defendant himself was found to be in possession of at least two firearms. [Docs. 52, 64]. Therefore, the Defendant is not entitled to relief.

ORDER

IT IS THEREFORE ORDERED that the Defendant's "Motion to Reconsider a Denial of Reduction of Sentence" [Doc. 65] is **DENIED**.

IT IS SO ORDERED.

Signed: May 25, 2024



Martin Reidinger
Chief United States District Judge

